IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 21196 of 2004

Between:

The Vissannapeta Cultural and Recreation Society, Vissannapet, rep by its President Kambampati, Venkateswara Rao, S/o. Pullaiah, Aged about 62 years, R/o. Vissannapet, Krishna District.

..... PETITIONER

AND

1 The Superintendent of Police, Krishna District, Machilipatnam.
2 The Deputy Superintendent of Police, Nuzvid, Krishna District.
3 The Circle Inspector of Police, Tiruvuru, Krishna District,
4 The Sub-Inspector of Police, Vissannapeta Police Station, Vissannapeta, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in interfering and obstructing the petitioner's Society i.e. the Vissannapeta Cultural and Recreation Society, Vissannapet, from conducting the card room where the members and guests of the petitioner's society are allowed to play the game of rummy/syndicate with or without stakes is illegal, arbitrary, erroneous, highhanded and violative of the Sec. 15 of A.P. Gamming Act.1974 and consequently direct the respondents not to interfere or obstruct the petitioner's society in running the card room to facilitate its members or guests to play the game of rummy/syndicate with or without stakes in the premises of the society.

Counsel for the Petitioner: MR.SREENIVASA RAO VELIVELA

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

The Court at the stage of admission made the following ORDER:

In this writ petition the petitioner is seeking a Writ of Mandamus declaring the action of the respondents in illegally interfering with the lawful activities of the petitioner-society, as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

It is brought to my notice that in similar circumstances, a Division Bench of this Court has clarified the legal position in this regard in its Judgment in W.A.No.1167 of 2002 dated 29-07-2002. The relevant portion may be extracted hereunder:

> "The police authorities cannot obstruct the Writ petitioner-Club from conducting card room where the members and guests of the Writ Petitioner's cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police are always at liberty to enter the premises and check as to whether the cultural center of the Club is conducting card room where the members and guests of petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, police may enter the Club and verify the same and proceed further if the members and gests of the Writ Petitioner's cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered".

Following the above Judgment of the Division Bench, the writ petition is disposed of in terms of the directions given in the Judgment in W.A.No.1167 of 2002 dated 29-

07-2002.

However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-society if they promote any illegal activity at the premises of the petitioner- society. No costs.

_____

19-11-2004

kdl

To

1 The Superintendent of Police, Krishna District, Machilipatnam.
2 The Deputy Superintendent of Police, Nuzvid, Krishna District.
3 The Circle Inspector of Police, Tiruvuru, Krishna District,
4 The Sub-Inspector of Police, Vissannapeta Police Station, Vissannapeta, Krishna District.

5 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

6 Two C.D. Copies.